

REMARKS

In view of the following remarks, reconsideration of the above referenced application is respectfully requested.

Claims 1-18 and 20-37 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-22 of U.S. Patent No. 7,200,815 B2. A Terminal Disclaimer with the requisite fee is included to overcome this rejection.

Claims 1-18 and 20-37 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 and 18-21 of copending Application No. 09/812,405. A Terminal Disclaimer with the requisite fee is included to overcome this rejection.

Claims 1-3, 6, 12-16, 18 stand rejected under 35 USC §103(a) as being unpatentable over Shelton et al., U.S. Patent No. 5,951,643, in view of Levine, U.S. Patent No. 6,385,590.

Claims 4-5, 1-11, and 17 stand rejected under 35 USC §103(a) as being unpatentable over Shelton-Levine in view of Qureshi et al., U.S. Patent No. 6,456,305.

With regards to independent Claim 1, there is recited a method including the steps of evaluating at least one changed parameter of the visual stimuli caused by the event; recording the event, including the changed parameters, for later use in reconstruction; and reconstructing the event based on the recorded event including the changed parameters.

Applicant appreciates that the Examiner recognizes that Shelton fails to teach or suggest these distinguishing limitations. Applicant respectfully disagrees that Shelton teaches the invention “substantially” as claimed. The recited steps of evaluating, recording, and reconstruction are significant and are neither taught nor suggested by Shelton.

With regards to Levine, Levine only teaches storing parameters in a data base where an effectiveness score is then calculated, which is not a reconstruction, nor a reconstruction of an event resultant from a user interacting with a browser interface as claimed. Shelton as a primary reference fails to teach several distinguishing limitations, and Levine also fails to teach several limitations including reconstruction of visual stimuli. Further, the teachings of Levine are only generally related to Shelton, and there is no teaching nor motivation to combine these references to achieve the claimed methodology of independent method Claim 1. Among many reasons, the last element of independent Claim 1 patentably distinguishes the present invention over the cited prior art of record. A notice to this effect is respectfully requested. Similarly, independent Claim 20 directed to a computer readable medium is allowable over the cited prior art for the foregoing reasons.

The remaining Claims are dependent from either independent Claim 1 or 20, and thus include the limitations thereof, and are allowable for at least the foregoing reasons.

At this time, all pending claims 1-18 and 20-37 are believed to be allowable over the cited prior art, and a notice to this effect is respectfully requested.

A three month Extension of Time is enclosed along with the requisite fee. No additional fees are believed to be due, however, the Commissioner is authorized to debit Applicant's Deposit Account # 10-0096, should any other fees be due.

The Examiner is encouraged to contact the undersigned attorney to resolve any matters which remain by Examiner's amendment where possible.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'R. Klinger', written in a cursive style.

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